From: Leslie A. Beben
5805 Brookland Drive
Sumter, SC, 29154

11/3/05

To: United States Patent and Trademark Office
Commissioner For Patents
P.O. Box 1450
Alexandria, Virginia, 22313-1450

10/765639

Attention: Examiner Dana D. Greene

Subject: Response to Rejection of Claims
Patent Application # 20040186522
Attorney Docket #COM002USPTO1
Confirmation #1213

Preface: I appreciate your prior review of my work. I am an independent inventor and lifelong student of heart disease. It is my understanding that your Art Unit, #3762, holds primary responsibility for protection of intellectual property relevant to inventions seeking mechanistic control of systole and diastole in heart disease in this country. Following extensive review and barring reading of unpublished applications, I remain unaware of an invention that would attempt to seize control of electrical myocardial systole in a retrograde manner from the pericardial space. In my opinion, transmyocardial (transmural) mechanistic electrical control of myocardial mass is technically imminent.

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Review of Provisional Application #60/442/480

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1.**"Description of the device: a. The device shall fit like a fishnet over the epicardial surface and roots of the great cardiac vessels. It shall be applied to a heart of any dimension."**

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Sincerely,

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1. E-Mail from Clif Alferness dated 4/16/03
2. Letter from Dr. J. Edward Shapland dated 5/2/03
3. Letter from Dr. J. Edward Shapland dated 6/16/03

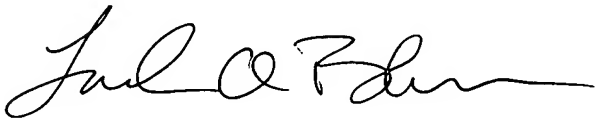
Subject: Response of Applicant to Notice of Abandonment 9/26/06
Applicant: Leslie A. Beben
To: United States Patent and Trademark Office
Application Number: 10/765639
Examiner: Angela D. Sykes
Initial Examiner: Dana D. Greene
Fax #: 703-872-9306

Ms. Sykes, I greatly appreciate you taking the time to speak with me by telephone last week about this application. I regret that examiner Greene no longer works at the USPTO. Attached is a copy of the response I sent personally addressed to Ms. Greene on 11/3/05. I affirm that this copy is a duplicate of the prior letter sent.

My best copy (attachment #1) that matches your copy has added handwritten references in the margins to correct typographical errors. Attachment #2 comprises three letters I received from Acorn in 2003 as noted below. I modified the letter the same day I sent it to remove the typographical errors. The corrected version (attachment #3) is essentially the same document without clutter.

I personally spoke with Ms. Greene by telephone about this application and promise you that you already have this communication. I am quite concerned that it cannot be immediately verified and am frankly a little worried about the confidentiality of the disclosed information.

I would like to speak with Ms. Greene again if this is possible. I am still checking through my postal records but I send most everything by Certified US Mail. I have had lengthy waits in the past for an answer to some of my stuff from the USPTO but must admit I was still getting concerned that something about this one had gone awry. Please feel free to contact me for any questions.



Leslie A. Beben
5805 Brookland Drive
Sumter, SC, 29154

Home: (803) 494-9596
Work: (803) 452-5151

Attachments:
#1 Copy of letter sent to Dana D. Greene 11/3/05
#2 Copies of letters from Alferness 4/16/03, Shapland 5/2/03, 6/16/03
#3 Copy of corrected letter to Dana D. Greene 11/3/05 with typos removed

Main Identity

From: "Clif Alferness" <calferness@scoutmedical.com>
To: <lbeben@sc.rr.com>
Sent: Wednesday, April 16, 2003 1:29 PM
Subject: your email

Hi Les,
Tracy Kaestner has told me about your earlier email regarding your ideas on a pericardial augmentation device. I did recieve your letter and only briefly glanced through the material to see what it was about. My impression is that it is in an area already covered by numerous patents owned by Acorn. You may, however, want to contact them to see if there are any aspects covered by your application that they have an interest in. The person that you should contact there is Dr Ed Shapland. Although we, at Scout, have no relationship with Acorn Cardiovascular, I am personally still associated with them, but only as a board member. As such, I would encourage you to contact Dr Shapland (eshapland@acorncv.com) to satisfy your query.

Clif Alferness
Partner, Scout Medical Technologies
4030 Lake Washington BLVD, #305
Kirkland, WA, 98033
425 827 4300 ext 224
calferness@scoutmedical.com

acorn
cardiovascular inc.

2 May 2003

Leslie A. Beben
5805 Brookland Drive
Sumter, SC 29154

Dear Mr. Beben:

Thank you for your fax of 17 April 2003.

Acorn Cardiovascular has developed procedures to review concepts submitted by non-employees. These procedures are developed to protect Acorn in the event someone submits an idea already known to us. Namely, we are frequently aware of ideas or have such ideas in development at the time someone suggests a concept to us. Therefore, we cannot review an idea submitted to us without the submitter acknowledging that our review is not an agreement to accept an idea and we do not have any obligations with respect to ideas already known to us or others or any obligations of confidentiality with respect to submitted information.

Before reviewing your idea, we wanted to make you aware of our practices. If you would still like us to review the idea, please indicate your approval on a copy of this letter and fax it back to me.

Also, we encourage people such as you to seek independent opinion of patent counsel for protection of ideas.

Best regards,

J. Edward Shapland, PhD

J. Edward Shapland, PhD
Sr. Vice President
Chief Technical Officer

Agreed to by:

5/12/03

Leslie A. Beben

601 Campus Drive
Saint Paul
Minnesota 55112

tel 651.286.4800
fax 651.286.4848
www.acorncv.com

acorn
cardiovascular, inc.

16 June 2003

Les Beben
5805 Brookland Drive
Sumter, SC 29154

Dear Les:

Thank you for the opportunity to review your provisional patent application entitled Pericardial Augmentation. As we discussed by phone, we have evaluated your concept based on its technical feasibility, prior art and fit with Acorn's primary focus.

At this time, we elect not to pursue license of this application. If you expand specific areas related to our core business, we would be happy to renew our discussions.

It was a pleasure to speak with you. Thank you again for forwarding this information.

Best regards,

J. Edward Shapland, PhD
Sr. Vice President
Chief Technical Officer

bjj

601 Campus Drive
Saint Paul
Minnesota 55112

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